

PATENT

Attorney Docket No. IBM/167
Confirmation No. 8940**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (26 total pages, including cover sheet) are being transmitted via facsimile transmission to the U.S. Patent and Trademark Office, Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on January 7, 2005.

Judith L. Volk January 7, 2005
Judith L. Volk Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy Roy Block et al. Art Unit: 2155
 Serial No.: 09/694,586 Examiner: Benjamin R. Bruckart
 Filed: October 23, 2000 Atty. Docket No.: IBM/167
 For: DYNAMIC MODIFICATION OF CLUSTER COMMUNICATION PARAMETERS IN
 CLUSTERED COMPUTER SYSTEM

Cincinnati, Ohio

January 7, 2005

Mail Stop Appeal Brief - Patents
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION-37 CFR 41.37)

- Transmitted herewith is the APPEAL BRIEF in this application with respect to the Notice of Appeal filed on September 7, 2004.

2. STATUS OF APPLICANT

This application is on behalf of

XX other than a small entity

 small entity

 small entity status is requested

 small entity status was previously requested and is still proper

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 CFR 1.17(f) the fee for filing the Appeal Brief is:

04/18/2005 CQUEEN	00000005 233	Small entity	\$250.00
Sale Ref: 00000005 DAH: 233000	09694586		
01 FC:1252	450.00 DA		
<u>XX</u> Other than a small entity		03. \$500.00 CQUEEN 00000008 233000 09694586	

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 PAGE 2/26 * RCVD AT 1/7/2005 4:07:56 PM (Eastern Standard Time) * SVR:USPTO-EFXRF-1/7 * DND:8729308 * CSID:513 241 6234 * DURATION (mm:ss):10:14

4. EXTENSION OF TIME

Applicant petitions for an extension of time under 37 C.F.R. 1.136(a) for the total number of months checked below:

<u>Months</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
one month	\$ 120.00	\$ 60.00
<u>XX</u> two months 450.00 225.00
three months 1,020.00 510.00
four months 1,590.00 795.00
five months 2,160.00 1,080.00

Fee: \$ 450.00

If an additional extension of time is required, please consider this a petition therefor.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee \$500.00

Extension fee \$450.00

6. FEE PAYMENT

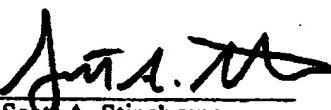
Attached is a check in the sum of \$ _____

XX Charge fees totaling \$950.00 to Deposit Account No. 23-3000.

7. FEE DEFICIENCY

XX Charge any additional extension fee required or credit any overpayment to Deposit Account No. 23-3000.

WOOD, HERRON & EVANS, L.L.P.

By 
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